

Remarks

Claims 1-61 are pending in the application. All claims stand rejected. By this paper, claims 1, 10, 11, 23, 31-33, 45, and 59-61 have been amended merely to incorporate dependent limitations and correct typographical errors. Claims 8, 30, and 47 have been canceled.

The title of the invention was objected to because it is allegedly non-descriptive. The title has been amended to make it more clearly indicative of the invention to which the claims are directed.

Claims 1-16, 18-40, 42-48, 50-55, and 57-61 were rejected under 35 U.S.C. 102(e) as being anticipated by Kanemitsu. This rejection is respectfully traversed.

Claim 1 has been amended merely to incorporate the limitations of claim 8, now canceled. As amended, claim 1 recites a method for delivering radio programs and related schedule information using a mobile device, comprising:

retrieving schedule information pertaining to radio programs;
formatting the schedule information into a program guide comprising first and second axes and a plurality of elements, the first axis corresponding to a plurality of radio stations, the second axis corresponding to a plurality of time slots, each element corresponding to a radio program;

displaying the program guide on a screen integrated with the mobile device;

receiving a user selection of an element corresponding to a radio program to be broadcast in the future;

scheduling a task to receive the selected radio program at a time indicated by the program guide; and

in response to the selected radio program being received, caching the radio program.

These claimed features allow a user to selectively store (cache) radio programs for future playback. Advantageously, the user does not need to listen to a desired radio program at the time it is actually broadcast. Instead, the user selects a program to be broadcast in the future from a program guide displayed on a mobile

device. A task is then scheduled to receive and cache the selected radio program at a time indicated by the program guide. Thereafter, the user may play back the program at a more convenient time, as recited in claim 11.

In the Office Action, the Examiner appears to be confusing the caching or storing of the claimed "schedule information pertaining to radio programs" with the radio programs, themselves. Original claim 8 (now integrated into claim 1) did not recite "caching the radio program schedule information." It recited "caching the radio program."

The verb "cache" has a well understood meaning to a person of ordinary skill in the art:

1.
 - a. A hiding place used especially for storing provisions.
 - b. A place for concealment and safekeeping, as of valuables.
 - c. A store of goods or valuables concealed in a hiding place:
maintained a cache of food in case of emergencies.
2. Computer Science. A fast storage buffer in the central processing unit of a computer. Also called **cache memory**.

tr.v. cached, cach·ing, cach·es
To hide or store in a cache.

The American Heritage® Dictionary of the English Language, Fourth Edition.

The specification clearly distinguishes between caching or storing schedule information ("the retrieved schedule information 404 is cached within the memory 306 or the storage device 310 of the PDA 124") (page 20, lines 7-29) and caching or storing the radio program, itself ("a caching component 422 stores the radio program 210 within the storage device 310 or the memory 306 of the PDA 124. Later, the user may listen to the cached radio program 210") (page 24, lines 19-21).

Kanemitsu says nothing about caching or storing a selected radio program.

The portion of Kanemitsu referred to by the Examiner (col. 5, line 39 through col. 7, line 51) refers to receiving and storing EIT (event information table) information. As explained by Kanemitsu:

According to the specified standard, the EIT Information may include various descriptors, as shown in FIG. 2. The descriptors may include, for example, a short format event descriptor 100 indicating a program title, a content descriptor 101 indicating a program genre, and an extended format event descriptor 102 indicating information explaining a program (topic information). Plural types of topic information are designated in an extended format event descriptor 102. For example, in a music broadcast, plural topics such as song title, singer, songwriter, and composer are designated. In the present embodiment, this descriptor information is effectively used as described below. The arrangement of each descriptor is arbitrary.

Col. 6, lines 14-26 (emphasis added). Thus, the EIT Information merely consists of descriptors that are used for generating the program guide on Kanemitsu's device. Kanemitsu does not disclose, however, storing the actual radio program when it is broadcast so that a user may subsequently play back the radio program at a more convenient time, as recited in claim 11.

Accordingly, claim 1, as amended, is patentably distinct. Claim 23 has been amended to include similar limitations from claim 30, now canceled, and is likewise patentably distinct for at least the same reasons. Claims 60 and 61 have been amended to include similar limitations and are similarly patentably distinct.

Claim 45 has been amended to include the limitations of claim 47, now canceled. Specifically, claim 45 now recites "a storage device configured to cache radio programs for future playback." As explained above, Kanemitsu does not disclose or even suggest caching of radio programs (as opposed to schedule

information, such as EIT information). Claim 59 has been amended to include limitations similar to those of canceled claim 47, but in a method format.

Claims 10 recites visually indicating within the program guide that a task has been scheduled for receiving a selected radio program to be broadcast in the future. Kanemitsu does not allow a user to schedule a task to "receive" a program to be broadcast in the future, let alone visually indicate (mark) within the program guide that a particular program has been scheduled to be received in the future. Indeed, Kanemitsu is silent whether a user may select a program to be broadcast in the future and, if selected, what the result will be. Without a disclosure for caching future radio program for subsequent playback, there is no point to scheduling a task to "receive" the program in the future, since the user would have to be present at the future time and could easily tune to the program in question.

Accordingly, claim 10 is believed to be patentably distinct. Claim 32 includes similar limitations and is likewise believed to be patentably distinct for at least the same reasons.

Claim 18 (with intervening claim 13) recites:

selectively receiving a plurality of radio programs; and
caching the received radio programs

receiving a user selection of an element corresponding to a previously-broadcast and cached radio program; and
playing the cached radio program using the mobile device.

These claim features allow a user to selectively play a radio program from the program guide that has been previously broadcast and cached (stored). In other

words, the program guide includes programs that have already been broadcast and can no longer be listened to but for the fact that they have been cached.

Nothing in Kanemitsu suggests that the program guide includes programs broadcast in the past. This would serve absolutely no purpose. The user of Kanemitsu's system could not listen to those programs because they have not been cached. Such a listing would merely be a record of the radio programs that the user has missed.

Accordingly, claim 18 is believed to be patentably distinct. Claim 40 includes similar limitations and is likewise believed to be patentably distinct for at least the same reasons.

Claim 17 (with intervening claim 13) recites:

selectively receiving a plurality of radio programs; and
caching the received radio programs

wherein the plurality of radio programs comprise all of the programming broadcast by a particular radio station for a period of time.

These claimed features relate to the caching of all of the programming broadcast by a particular radio station whether or not those radio programs are explicitly selected by a user. As a result, when the user subsequently selects a radio program from the guide that was broadcast in the past, all of the programs on the particular channel are available for playback.

Kanemitsu does not disclose or even suggest caching or storing radio programs (as opposed to schedule information), let alone caching or storing all of the radio programs on a particular channel to allow a user to play back a past radio

program from the program guide that would otherwise be unavailable because it has already been broadcast.

In view of the foregoing, claim 17 is believed to be patentably distinct. Claim 39 includes similar limitations and is likewise believed to be patentably distinct for at least the same reasons.

Claims 17 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kanemitsu in view of Nakatsuyama. This rejection is respectfully traversed. Nakatsuyama is merely being cited for broadcasting a radio program over the Internet. Nakatsuyama does not cure any of the deficiencies discussed above with respect to Kanemitsu. For example, Nakatsuyama does not teach or suggest caching radio programs selected from a program guide to allow future playback.

The applicant respectfully submits, therefore, that all independent claims are in condition for allowance, and that all dependent claims are in condition for allowance by virtue of their dependency on the independent claims discussed above.

If any issues remain after this response, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

By 
Kory D. Christensen
Registration No. 43,548

STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999